

REMARKS

In accordance with the foregoing, and further to the Request for Continued Examination filed herewith, claim 1 is amended. Claims 1 – 10 and 13 - 15 are pending and under consideration. No new matter is presented in this Amendment.

The following remarks are supplemental to the remarks included with Applicants' Amendment after Final Rejection filed on September 8, 2008, incorporated herein by reference.

Claim rejections under 35 U.S.C. §103(a)

At page 3 of the Office Action of July 9, 2008, claims 1, 2, 3 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki et al. (U.S. Patent 6,258,480) (hereinafter, "Moriwaki") in view of Ramaswami et al. (U.S. Patent 6,830,847) (hereinafter, "Ramaswami") and Nakanishi et al. (U.S. Publication 2002/0142211) (hereinafter, "Nakanishi").

At page 5 of the Office Action, claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki in view of Ramaswami and Nakanishi and further in view of Seiji (JP 60-124351).

At page 6 of the Office Action, claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki in view of Ramaswami and Nakanishi and further in view of Morishita et al. (U.S. Patent 5,976,729) (hereinafter, "Morishita").

At page 7 of the Office Action, claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki in view of Ramaswami, Nakanishi, and Morishita, and further in view of Seiji (JP 60-124351) and further in view of datasheets for copper and copper alloys previously cited as evidence.

At page 9 of the Office Action, claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki in view of Ramaswami, Nakanishi and Seiji, and further in view of Morishita.

At page 10 of the Office Action, claims 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki in view of Ramaswami and Nakanishi and further in view of Shibata et al. (EP 0 899 799 A2) (hereinafter, "Shibata").

For the following reasons, these rejections are respectfully traversed and reconsideration is requested.

Claim 1 is amended herein to recite, among other limitations, that the secondary battery includes a can having a side wall, an opening at one end of the side wall and a closed bottom portion at an opposite end of the side wall from the opening and to provide that the layer having a thickness of 30 μm to 100 μm is provided only on an outer surface of the bottom portion of the can and is not provided on the side wall of the can. It is respectfully submitted that the amended claims are clearly distinguishable from the applied references, including Ramaswami. In particular, the amended claim 1 avoids the "issue of semantics" mentioned by the Examiner in the Advisory Action as to the meaning of "a layer...provided only on an outer surface of the bottom portion of the can" by reciting that the layer is provided on an outer surface of only the bottom portion of the can and that the layer is not provided on a side wall of the can. Moreover, the bottom portion is further defined as a closed bottom portion at an opposite end of the side wall from the opening of the can, thereby avoiding orientation problems mentioned by the Examiner in the Advisory Action, since what is referred to as the "bottom portion" is clearly defined in independent claim 1 in terms of other structural features of the secondary battery.

Ramaswami does not teach or suggest a layer provided on an outer surface of only the bottom portion of a can of a secondary battery, that is, on a closed bottom portion at an opposite end of the side wall from the opening of the can and does not teach or suggest that the layer is not provided on a side wall. Instead, Ramaswami describes a protective layer that covers an entire exposed anode portion of a button battery, including a side wall 163c of the anode (FIG. 1 and FIG. 5 of Ramaswami). As noted above, the "bottom portion" as recited in amended independent claim 1 is clearly distinguishable from the entire exposed anode portion of a button battery according to Ramaswami.

Moreover, as noted in Applicants' previous responses, Moriwaki, either alone, or in combination with the secondary references, fails to disclose or suggest, a layer having a thickness of 30 μm to 100 μm as recited in independent claim 1, since the nickel layer of Moriwaki is less than 30 μm (see, col. 5, lines 9-21, and col. 11, lines 45-58 of Moriwaki). Ramaswami does not overcome the failure of Moriwaki to describe a layer on an outer surface of the bottom portion of a can of a secondary battery having a thickness of 30 μm to 100 μm . Likewise, Nakanishi does not overcome the failure of Moriwaki and Ramaswami to teach or suggest a layer having a thickness of 30 μm to 100 μm provided only on an outer surface of the

bottom portion of a can of a secondary battery. Therefore, the rejection should be withdrawn.

Regarding the rejection of claims 4 and 5, Seiji does not overcome the failure of Moriwaki, Ramaswami and Nakanishi to teach or suggest a layer having a thickness of 30 µm to 100 µm provided on an outer surface of only the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claims 4 and 5 depend. In particular, Seiji does not teach or suggest any thickness of its nickel or copper layer. Therefore, combining the secondary battery of Moriwaki, the button battery of Ramaswami and the secondary battery of Nakanishi with a copper layer according to Seiji would not have met all of the limitations of the present claims.

Regarding the rejection of claims 6 and 7, Morishita does not overcome the failure of Moriwaki, Ramaswami and Nakanishi to teach or suggest a layer having a thickness of 30 µm to 100 µm provided only on an outer surface of the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claims 6 and 7 depend. In particular, Morishita only describes that a lead plate is welded onto the bottom of a can and a safety device attached to the lead plate and does not describe any layer having a thickness of 30 µm to 100 µm on an outer surface of the bottom portion of a can of a secondary battery. Therefore, combining the secondary battery of Moriwaki, the button battery of Ramaswami and the secondary battery of Nakanishi with a safety device according to Morishita would not have met all of the limitations of the present claims.

Regarding the rejection of claims 8 and 9, Morishita, Moriwaki, Ramaswami, Nakanishi and Seiji do not teach or suggest a layer having a thickness of 30 µm to 100 µm provided on an outer surface of only the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claims 8 and 9 depend, for the reasons described above. Therefore, combining Morishita, Moriwaki, Ramaswami, Nakanishi and Seiji would not have met all of the limitations of the present claims.

Regarding the rejection of claim 10, Morishita, Moriwaki, Ramaswami, Nakanishi and Seiji do not teach or suggest a layer having a thickness of 30 µm to 100 µm provided on an outer surface of only the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claim 10 depends. Therefore, combining Morishita, Moriwaki, Ramaswami, Nakanishi and Seiji would not have met all of the limitations of the present claims.

Regarding the rejection of claims 13 and 14, Shibata does not overcome the failure of

Moriwaki, Ramaswami and Nakanishi to teach or suggest a layer having a thickness of 30 µm to 100 µm provided on an outer surface of only the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claims 13 and 14 depend. In particular, the layers described in Shibata cover the entire jar can and are not limited to the bottom of the can. Moreover, Shibata explicitly states that its nickel layer (which is alleged to correspond to the layer recited in claim 1) is not more than 5 µm. Therefore, combining Moriwaki, Ramaswami, Nakanishi and Shibata would not have met all of the limitations of the present claims.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: Oct. 9, 2008

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